

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MAE DOROTHY WRIGHT, §
§
Plaintiff, §
§
v. § Civil Action No. 3:22-cv-899
§
RUSHMORE LOAN MANAGEMENT §
SERVICES, LLC and REO TRUST §
2017-RPL1, §
§
Defendants. §

DEFENDANTS' NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§1331 and 1441, Defendants Rushmore Loan Management Services, LLC (“Rushmore”) and REO Trust 2017-RPL1 (“REO”) (collectively “Defendants”) remove this action from the 160th Judicial District Court of Dallas County, Texas, to the United States District Court for the Northern District of Texas, Dallas Division, and in support thereof would show unto the Court the following:

I. STATE COURT ACTION

1. On April 1, 2022, Plaintiff Mae Dorothy Wright (“Plaintiff” or “Wright”) filed her Original Petition (the “Complaint”), *Mae Dorothy Wright v. Rushmore Loan Management Services, LLC and REO Trust 2017-RPL1*, Cause No. DC-22-03474, in the 160th Judicial District Court of Dallas County, Texas.

2. Pursuant to 28 U.S.C. §1446(d), this Notice of Removal will be filed with the 160th Judicial District Court of Dallas County, Texas, and a copy of this Notice of Removal will also be served on all parties. Pursuant to Fed. R. Civ. P. 7.1 and L.R. 81.1, Defendants have filed

contemporaneously with this Notice a civil cover sheet, supplemental cover sheet, state court docket, state court file, and a certificate of interested persons.

3. In the State Court Action, Plaintiff alleges causes of action centered around the foreclosure of the real property commonly known as 8040 Komalty Drive, Dallas, Texas 75217 (the “Property”). Plaintiff brought her lawsuit against Defendants for violation of the Real Estate Settlement Procedures Act¹ (“RESPA”) under 12 C.F.R. §1024.41, et seq. and negligent undertaking.

4. Pursuant to 28 U.S.C. §1446(a), copies of all process, pleadings, orders, and other papers filed in the 160th Judicial District Court and obtained by Defendants are attached hereto.

5. In support of this removal and as required by Local Rule 81.1, please find attached as follows:

Exhibit A: Civil Cover Sheet;

Exhibit B: Supplemental Civil Cover Sheet;

Exhibit C: State Court Civil Docket Sheet;

Exhibit D: State Court File.

II. TIMELINE FOR NOTICE OF REMOVAL

6. Defendants Rushmore and REO have not been served in this matter. Less than thirty (30) days have passed since Defendants received unofficial notice of this lawsuit, and thus, removal is timely. 28 U.S.C. §1446(b)(1).

III. BASIS FOR REMOVAL: FEDERAL QUESTION JURISDICTION

7. The Court has original jurisdiction over this action pursuant to 28 U.S.C. §1331 because it involves questions of federal law. Specifically, Plaintiff alleges claims and damages related to RESPA, 12 C.F.R. §1024, et seq.

¹ See Plaintiff’s Complaint at ¶ 20-24.

IV. VENUE

8. Venue for this Removal is proper in the United States District Court for the Northern District of Texas, Dallas Division, because this district and division includes Dallas County, Texas, which is the location of the pending state court action. 28 U.S.C. §1441(a).

V. CONCLUSION

WHEREFORE Defendants Rushmore Loan Management Services, LLC and REO Trust 2017-RPL1 remove this action from the 160th Judicial District Court of Dallas County, Texas, to the United States District Court for the Northern District of Texas, Dallas Division, so that this Court may assume jurisdiction over the cause as provided by law.

Respectfully submitted,

By: /s/ Shelley L. Hopkins
Shelley L. Hopkins
State Bar No. 24036497
HOPKINS LAW, PLLC
3 Lakeway Centre Ct., Suite 110
Austin, Texas 78734
(512) 600-4320
BARRETT DAFFIN FRAPPIER
TURNER & ENGEL, LLP - *Of Counsel*
ShelleyH@bdfgroup.com
shelley@hopkinslawtexas.com

Robert D. Forster, II
State Bar No. 24048470
BARRETT DAFFIN FRAPPIER
TURNER & ENGEL, LLP
4004 Belt Line Road, Ste. 100
Addison, Texas 75001
(972) 386-5040
(972) 341-0734 (Facsimile)
RobertFO@bdfgroup.com

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of April 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF filing system, and will send a true and correct copy to the following:

VIA ECF:

D. Kimberli Wallace
D. Kimberli Wallace, PLLC
1560 E. Southlake Blvd., Suite 100
Southlake, Texas 76092
kwallace@kwlawfirm.net

ATTORNEYS FOR PLAINTIFF

/s/ Shelley L. Hopkins
Shelley L. Hopkins